## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION

STACY ARNOLD,	)
Plaintiff,	)
v.	) ) Case No. 19-06137-CV-SJ-BI
CITY OF ST. JOSEPH,	) Case No. 19-00137-CV-SJ-BF
ST. JOSEPH PUBLIC LIBRARY,	)
OFFICER REBECCA HAILEY (IN HER	)
PERSONAL AND PROFESSIONAL CAPACITY)	)
AND ROGER CLARY	)
	)
	)
Defendants	)

## <u>PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON COUNT I – FREEDOM OF SPEECH – CONSTITUTIONAL QUESTION</u>

COMES NOW, Plaintiff, Stacy Arnold, and, in accordance with Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, moves for summary judgment on Count I of her First Amended Complaint (ECF 19). In Count I, Plaintiff alleges that the designated area and the "pursue patrons" language contained the Library policy on petitioning are unconstitutional and that St. Joseph Ordinance 20-51 is unconstitutional as applied to peacefully petitioning on the external grounds of a public library and a sidewalk, regardless of title. The constitutionality of the ordinance and the policy are issues of law. In accordance with Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, Plaintiff has included a statement of material facts to which Plaintiff contends there is no genuine issue of dispute in her suggestions in support of this motion.

As explained in Plaintiff's suggestions, the speech in which Plaintiff was arrested for engaging in is at the heart of the expressive activity protected by the First Amendment. Further, regardless of what type of forum the Court should classify the area in question and the content the Court should apply to said category, the forum in which the speech occurred is emphatically the type of location where political speech is allowed. For these reasons, Plaintiff is entitled to judgment as a matter of law in her favor on Count I.

WHEREFORE, Plaintiff respectfully prays that this Court will enter judgment in favor of Plaintiff with regards to Count I, to include:

- 1. A judgment declaring that petitioning is core political speech that is protected on the exterior grounds of a public library, regardless of title, and that any restrictions must be narrowly tailored;
- 2. A judgment declaring that petitioning is core political speech that is protected on interior sidewalks of public buildings used for public purposes, regardless of title, and that any restrictions must be narrowly tailored;
- 3. A judgment declaring that the challenged elements of the Library policy on petitioning—the designated area and the "pursue patrons" language—are facially invalid and impermissibly vague;
- 4. A judgment declaring that Defendant City of St. Joseph (to include Defendant Officer Rebecca Hailey, in her official capacity) did not follow the First Amendment requirement of giving the benefit of the doubt to protecting instead of stifling speech;
- 5. A permanent injunction enjoining the Defendants, their employees and agents, and all persons acting under their direction, from arresting or otherwise prohibiting Plaintiff from

peacefully petitioning on the external grounds of the Library and the sidewalk on the Library grounds;

6. Any other relief that this Court would deem necessary and proper.

RESPECTFULLY SUBMITTED

STACY ARNOLD, Plaintiff

/s/Stacy Arnold Stacy Arnold 500 Westover Dr. #11589 Sanford, NC 27330 803-428-7024 stacy.kaye.arnold@gmail.com

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was filed electronically with the Clerk of the Court on October 19, 2020, to be served by operation of the Court's electronic filing system upon:

Christopher L. Heigele
Steven F. Coronado
Bay Otto Coronado PC – KCMO
4600 Madison Avenue
Suite 210
Kansas City, MO 64112-3019
cheigele@batyotto.com
scoronado@batyotto.com
Attorneys for Defendants
City of St. Joseph, Missouri,
Officer Rebecca Hailey

Gregory P. Goheen
McAnany, Van Cleave & Phillips, PA-KCKS
10 East Cambridge Circle Drive
Ste. 300
Kansas City, KS 66103
ggoheen@mvplaw.com
Attorneys for Defendant
St. Joseph Public Library

\_/s/ Stacy Arnold\_\_\_\_\_